

Docket No. 4422I1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) Group Art Unit: 1743
Sharaf and Roque-Biewer) Examiner: to be assigned
Serial No.: 09/927,791	CERTIFICATE OF MAILING
Filed: August 10, 2001	I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on
For: Spectral Calibration of Fluorescent Polynucleotide Separation Apparatus	December 19, 200/ (Date of Deposit) Cheri Gomez Name of Depositing Party Signature on Depositing Party December 19, 200/ (Date of Depositing Party Signature on Depositing Party
•	

INFORMATION DISCLOSURE STATEMENT

RECEIVED FEB 0 4 2002 TC 1700

Assistant Commissioner for Patents Washington, D.C. 20231

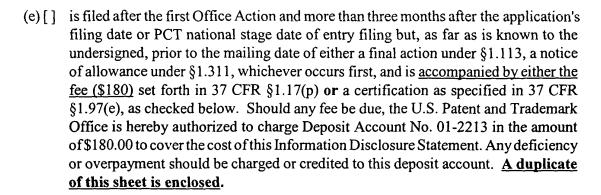
Sir:

Applicants submit herewith patents, publications or other information (listed on the attached Form PTO-1449) of which they are aware, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement:

- (a) [] accompanies a new patent application submitted herewith.
- (b) [] is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491.
- (c) [X] as far as is known to the undersigned, is filed before the mailing date of a first Office action on the merits.
- (d) [] as far as is known to the undersigned, is filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114.

@PFDesktop\::ODMA/MHODMA/imanage;29259;1



(f) [] is filed after the mailing date of either a final rejection or a notice of allowance, but on or before the payment of the issue fee, and is accompanied by the fee (\$180) set forth in 37 CFR §1.17(i)(1) and a certification as specified in 37 CFR §1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement. The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 01-2213 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. A duplicate of this sheet is enclosed.

[If either of boxes (e) or (f) is checked above, the following "certification" under 37 CFR §1.97(e) may need to be completed.] The undersigned certifies that:

- [] Each item of information contained in the information disclosure statement was first cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- [] No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this information disclosure statement.

A copy of the items on PTO-1449 is supplied herewith:

[] each [] none [X] only those listed below:

US Patent No. 5,556,790 US Patent No. 5,747,249 WO 96/33406 09/927, 791

Page 3

WO 93/14224 WO97/46963

Connel, BioTechniques 5(4):342-344, 346-348 (1987)

Those patent(s) or publication(s) not listed above and listed in the attached PTO-1449 form are not supplied because they were previously cited or submitted to the Office in prior application Serial No. 09/154,178, filed September 16, 1998, and relied upon in this application for an earlier filing date under 35 USC §120.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR §1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR §1.98 and MPEP §609 and the Examiner is respectfully requested to consider the listed references.

Respectfully submitted,

Date: 120 18, 2001

Jeffery D. Frazier, Reg. No. 34,601

Attorney for Applicants

Correspondence Address

Customer Number 22896 Applied Biosystems Group PE Corporation (NY) 850 Lincoln Centre Drive Foster City, CA 94404 (650) 638-6722 (Phone) (650) 638-6677 (Fax)

PTO/SB/08A (0 Approved for use through 10/31/2002. OMB 0651-Itent and Trademark Office: U.S. DEPARTMENT OF COMME rection of information unless it displays a valid OMB control nur.

Substitute for m 4249A/PTO
INFORMATE ON DISCLOSURE
THEORINA MOIN DISCEOSOKE
STATEMENT BY APPLICANT
MAIEMEN DI APPLICANI
TRADEMANDE
tise as many sheets as necessary)

1

Sheet

--- we repeated Reduction Act of 1995, no persons are required to respond to

Complet if Known				
Application Number	09/927791			
Filing Date August 10, 2001				
First Named Inventor Muhammad A. Sharaf				
Group Art Unit 1743				
Examiner Name to be assigned				
Attorney Docket No.	442211			

	Cite	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Pages, Columns, Lines Where
	No.1	Number	Kind Code ² (if known)	of Cited Document	of Cited Document MM-DD-YYYY	Relevant Passages or Relevant Figures Appear
	1.	5,365,455		Tibbetts et al.	11-15-1994	
	2.	5,436,130		Mathies et al.	07-25-1995	
	3.	5,556,790		Pettit	09-17-1996	
	4.	5,747,249		Connell et al.	05-05-1998	
	5.	5,821,058		Smith et al.	10-13-1998	
	6.	5,853,979		Green et al.	12-29-1998	
	7.	5,871,628		Dabiri et al.	02-16-1999	
	8.	5,912,118		Ansorge et al.	06-15-1999	
	9.	5,981,186		Gabe et al.	11-09-1999	RECEIVED
	10.	6,017,434		Simpson et al.	01-25-2000	
						FEB 0 4 2002
						TO 1700
						10 1199

2

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. 1	Office ³	Foreign Patent Docum	Kind Code ⁵	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	7 6
	11.	WO	93/14224	(if known)	Applied Biosystems	07-22-1993	Relevant Figures Appear	
	12.	WO	96/33406	А	Univ. Carnegie Mellon	10-24-1996		
	13.	WO	97/46963	A	Perkin-Elmer Corp.	12-11-1997		
				-				

Examiner	Date	
Signature	Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. 29256_1

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ³ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

PTO/SB/08A |
Approved for use through 10/31/2002. OMB 065
Patent and Trademark Office: U.S. DEPARTMENT OF COMM
bilection of information unless it displays a valid OMB control nu under the Paperwork Reduction Act of 1995 no persons are equired to respond to

JAN 2 3 2002 & orm 1449A/PTQ Substitute N INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

Complete if Known			
Application Number	09/927791		
Filing Date	August 10, 2001		
First Named Inventor	Muhammad A. Sharaf		
Group Art Unit	1743 -		
Examiner Name	to be assigned		
Attorney Docket No.	442211		

		OTHER ART - NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No. 1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Τ²
	14.	Connell, C., "Automated DNA Sequence Analysis," BioTechniques 5(4):342-344, 346-348 (1987)	
	15.	User Bulletin, ABI Prism 310, "Making a Matrix," PE Applied Biosystems (1996)	
	16.	J. Yin et al., "Automated Matrix Determination in Four Dye Fluorescence-Based DNA Sequencing," <i>Electrophoresis</i> 17:1143-1150 (1996)	
	17.	W. Huang et al., "A Method to Determine the Filter Matrix in Four-Dye Fluorescence-Based DNA Sequencing," <i>Electrophoresis</i> 18:23-25 (1997)	
	18.	K.M. O'Brien et al., "Improving Read Lengths by Recomputing the Matrices of Model 377 DNA Sequencers," BioTechniques 24:1014-1016 (1998)	VE
			VL
		FEB 0 4	2002
	-	TC 17	00
	 	1017	<u>VV</u>
·····	 		
······	<u> </u>		
		·	

Examiner	i e	Data	}
Examine		Date	{
Cimmodules	1		{
Signature	1	Considered	
-	·		

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.